

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NELSON BENJAMIN QUINTANILLA,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-11-174
	§	
SIX UNKNOWN NAMED AGENTS, <i>et al</i> ,	§	
	§	
Defendants.	§	

OPINION AND ORDER OF DISMISSAL
WITHOUT PREJUDICE

Plaintiff is a former inmate at the Brooks County Detention Center in Falfurrias, Texas (D.E. 1). He filed this action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).¹ The named defendants are Six Unknown Agents and President Obama (*Id.*).

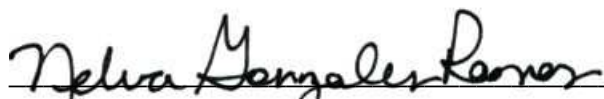
On May 25, 2011, a notice was issued to plaintiff advising him that within twenty days he must submit a filing fee of \$350, or alternatively, he must submit a completed application for leave to proceed *in forma pauperis* (D.E. 3). Plaintiff failed to comply. On July 15, 2011, the magistrate judge ordered plaintiff to show cause why his action should not be dismissed for failure to comply (D.E. 4) To date plaintiff has not responded or complied.

¹ A Bivens action is the federal counterpart of § 1983 and “extends the protections afforded by § 1983 to parties injured by federal actors not liable under § 1983.

An action may be dismissed if the plaintiff fails to prosecute it or to comply with any court order. FED. R. CIV. P. 41(b); see also Martinez v. Johnson, 104 F.3d 769, 772 (5th Cir. 1997) (holding that district courts have the power to sua sponte dismiss a cause of action for failure to prosecute). “‘The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the [d]istrict courts.’” Martinez, 104 F.3d at 772 (quoting Link v. Wabash RR., 370 U.S. 626, 630-31 (1962)); McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988).

Plaintiff has failed to comply with this Court’s orders. He has neither paid the \$350 filing fee, nor filed a motion to proceed *in forma pauperis*. It appears plaintiff has abandoned his lawsuit. Accordingly, plaintiff’s action is dismissed without prejudice.

SIGNED this 19th day of August, 2011.


Nelva Gonzales Ramos
United States District Judge